



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WEB COPY

Writ Petition (MD)No.14578 of 2016

and

W.M.P. (MD) .No.10812 of 2016

R.Parameshwari

... Petitioner

Vs.

1.The District Collector,
Tiruchirapalli District,
Collectorate,
Trichy.

2.The Commissioner,
Andhanallur Union Office,
Trichy.

3.The Correspondent,
C.S.I.Aided Primary School,
Woraiyur,
Trichy.

4.The Bishop,
C.S.I. Bishop's House,
Puthur,
Trichy.

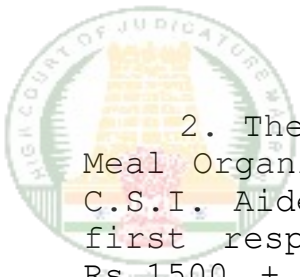
... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents 3 and 4 to permit the petitioner to join duty as per the order dated 22.02.2016 passed by the first respondent in R.C.N6/231/15.

For Petitioner	: Mr.S.Vinod Sathya Lazar (No appearance)
For R1	: Mr.C.M.Marichelliah Prabhu Additional Government Pleader
For R2	: Mr.T.S.Mohamed. Mohideen
For R3 and R4	: Mr.Kannnan for M/s.Veera Associates

O R D E R

This writ petition has been filed for a direction to the respondents 3 and 4 to permit the petitioner to join duty, as per the order of the first respondent, dated 22.02.2016.

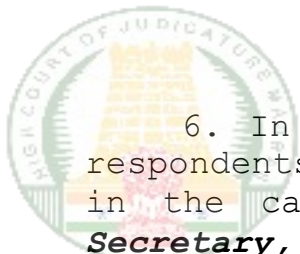


2. The case of the petitioner is that she was appointed as Noon Meal Organiser under Puratchi Thalaivar M.G.R. Noon Meal Scheme in C.S.I. Aided Primary School, Woraiyur, Trichy, by the order of the first respondent, dated 22.02.2016. Her basic pay was fixed at Rs.1500 + 5000 + 500. Immediately, the petitioner approached the third respondent to join duty as Noon Meal Organiser in the third respondent School. However, the third respondent did not permit the petitioner to join duty as Noon Meal Organiser. Every time, when the petitioner approached the third respondent, he informed the petitioner to come after a week or give some other reasons. Hence, the petitioner has made a representation to the respondents. However, they did not take any positive steps. Moreover, the third respondent intentionally refused to receive the said representation. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The matter is of the year 2016, yet there is no appearance on behalf of the petitioner when the matter is taken up. Therefore, this Court, considering the pendency of the case, is inclined to take up the matter and dispose of the same on merits.

4. It is the contention of the petitioner that though she participated in the selection process and her name along with 10 names was forwarded to the third respondent, however, the third respondent School forwarded five names including the name of the petitioner and selected one T.Pushpavalli for the said post and did not permit the petitioner to join duty. It is the further contention of the petitioner that the said act of the 3d respondent is in complete disobedience of the orders of the superior officer and, therefore, this Court may issue a direction to the respondents 3 and 4 to permit the petitioner to join duty as Noon Meal Organiser in the third respondent School.

5. The learned counsel appearing for the respondents 3 and 4 would submit that the third respondent is a minority institution and it is entitled to appoint their own persons. In the present case, the second respondent forwarded 10 names to the third respondent for selecting anyone of them. Immediately thereafter, the third respondent School sent a letter to the second respondent, on 28.01.2016, for appointment of one T.Pushpavalli as Noon Meal Organiser. Thereafter, the second respondent, on 22.02.2016, sent a list of persons, who appeared for the interview on 09.02.2016, to the third respondent for approval. Immediately, the third respondent School selected five names including the petitioner as well as T.Pushpavalli. Further, the third respondent, by letter dated 23.02.2016, made a request to appoint T.Pushpavalli as Noon Meal Organiser. However, the first respondent unilaterally appointed the petitioner as Noon Meal Organiser. Hence, he prayed for dismissal of the writ petition.



6. In support of his contentions, the learned counsel for the respondents 3 and 4 relied on a decision of the Hon'ble Apex Court in the case of **Sindhi Education Society and Another vs. Chief Secretary, Government of NCT of Delhi and others** reported in **2010 (8) SCC 49**.

WEB COPY

7. The learned Additional Government Pleader appearing for the first respondent would submit that in the present case, the District Collector has conducted an interview and thereafter, forwarded the names to the third respondent School. Immediately, the third respondent, as per G.O.(Ms).No.4, Social Welfare and Nutrious Noon Meal Department, dated 06.11.2011, forwarded 5 names and recommended to appoint one Pushpavalli, which is against the Government Order. The District Collector is the competent authority to select the person, as per the G.O. referred above. The yearly income of the petitioner is less than Pushpavalli and the petitioner is a destitute widow and her father is no more. Therefore, the District Collector has selected the petitioner and the selection of the petitioner is in accordance with law. Therefore, the third respondent has to permit the petitioner to join duty as Noon Meal Organiser, as per the impugned order of the first respondent, dated 22.02.2016.

8. Considering the facts and circumstances of the case, the issue arises for consideration in the present writ petition is as per the Scheme, whether the District Collector is the competent authority to appoint the Noon Meal Organisers. In the present case, the second respondent forwarded the names of the qualified persons to the third respondent for selection. Accordingly, the third respondent selected 5 names including the petitioner as well as T.Pushpavalli. Thereafter, the second respondent forwarded the names to the District Collector. After perusal of the names submitted by the second respondent, the District Collector appointed the petitioner as Noon Meal Organiser in the third respondent School. Without challenging the said order of appointment, the third respondent did not permit the petitioner to join duty as Noon Meal Organiser in the third respondent School, which is contrary to the selection process and in utter disobedience of the orders of the 1st respondent. The decision relied on by the learned counsel for respondents 3 and 4 cannot be pressed into service in the facts and circumstances of the present case. Hence, this Court has no hesitation to direct the third respondent to permit the petitioner to join duty as Noon Meal Organiser in the third respondent School, failing which, the District Collector is directed to take action against the third respondent School and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

9. In the result, this Writ Petition is allowed with the aforesaid observations and directions. No costs. Consequently, the

<https://hcservices.ecourts.gov.in/hcservices/>



connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar(CS)

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Tiruchirapalli District,
Collectorate, Trichy.
- 2.The Commissioner,
Andhanallur Union Office,
Trichy.
- 3.The Correspondent,
C.S.I.Aided Primary School,
Woraiyur, Trichy.
- 4.The Bishop,
C.S.I. Bishop's House,
Puthur, Trichy.

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-9016[F] dated 05/03/2021)

+1 CC to M/s.T.S.MOHAMED MOHIDEEN, Advocate (SR-8905[F] dated 04/03/2021)

+1 CC to M/s.SPL GP (SR-9469[F] dated 05/03/2021)

Writ Petition (MD)No.14578 of 2016
04.03.2021

KB(23.06.2021) 4P 8C